

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN THE MATTER OF
THE EXTRADITION OF
T.C.

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)
)

No. 24-mj-01365-DLC
(REDACTED COPY)

GOVERNMENT’S RESPONSE TO COURT ORDER (DKT. 108)

The United States of America hereby responds to the Court’s August 19, 2024 sealed Order, Dkt. 108.

Relevant Background

On August 16, 2024, T.C. appealed the Magistrate Court’s Orders denying T.C.’s request to transfer to a Massachusetts Department of Youth Services facility, Dkt. 71, and granting the government’s motion for detention and denying T.C.’s motion for release, Dkt. 59. T.C. filed this appeal despite that his latest motion for reconsideration, seeking the same relief, is pending.¹ Dkt. 74; *see also* Dkt. 81 (government’s response); Dkt. 86 (T.C. reply); Dkt. 98 (Order indicating that the Court “will issue a ruling on the pending motion to reconsider in the near future”). On August 19, 2024, the Court ordered the government to file a brief addressing various allegations T.C. made in his appeal regarding his conditions of confinement. Dkt. 108. The government addresses those questions *in seriatim*.²

¹ Accordingly, T.C.’s appeal is premature. *See Taylor v. McDermott*, No. 20-cv-11272-IT, Dkt. 33 (D. Mass. July 8, 2020) (denying motion for temporary restraining order concerning bail filed in connection with habeas petition in extradition case where motion was filed before Magistrate Judge entered order on request for bail, because review of Magistrate Judge’s bail determination “‘is limited to the issue of whether or not there were reasonable grounds for the Magistrate Judge’s denial of bail,’” and it was premature to review an order that had not yet issued) (quoting *Kin-Hong v. United States*, 926 F. Supp. 1180, 1184 (D. Mass. 1996), *rev’d on other grounds sub nom United States v. Kin-Hong*, 83 F.3d 523, 525 (1st Cir. 1996)).

² The government reserves the right to address the merits of T.C.’s appeal if and when it becomes ripe.

1.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2.

[REDACTED]

According to Warden Barcliff, during normal operations, residents of Essex JDC are kept in their cells from 9 p.m. until 8 a.m. and from 1:00 p.m. to 2:00 p.m. for a shift change.

Additionally, T.C.'s schedule includes classes Monday through Friday from 8:00 a.m. to 2:00 p.m.⁴ [REDACTED]

[REDACTED]

3

[REDACTED]

⁴ The government recognizes the discrepancy between the school day ending at 2:00 p.m. and the scheduled in-cell time between 1:00 p.m. and 2:00 p.m. for shift change and has asked the Warden for clarification.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The government understands that T.C. has playing cards and books available to him in his cell.

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. *Additional circumstances of T.C.'s confinement*

[REDACTED] Essex JDC permits visits on Saturdays with two family members. [REDACTED]

[REDACTED]

According to Warden Barcliff, Essex JDC staff provide residents with three phone calls per week, in addition to the use of unit phones that are available every day during recreation time. Warden Barcliff further stated that T.C. could have Zoom calls with his family, and specifically with his father in Türkiye.

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorney

By: /s/ Kristen A. Kearney
KRISTEN A. KEARNEY
Assistant U.S. Attorney

Date: August 23, 2024

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kristen A. Kearney
KRISTEN A. KEARNEY
Assistant U.S. Attorney